

JFW/3721



PATENT
ATTORNEY DOCKET NO.: 040894-7160

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 9680
)	
Kazuo HIGUCHI)	Group Art Unit: 3721
)	
Application No.: 10/520,124)	Examiner: Unassigned
)	
Filed: January 3, 2005)	
)	
For: RESIDUAL STAPLE AMOUNT)	
DETECTION DEVICE OF ELECTRIC)	
STAPLER)	

Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

The listed documents were cited in a European Search Report dated August 23, 2005. A copy of the European Search Report is enclosed for the Examiner's consideration.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

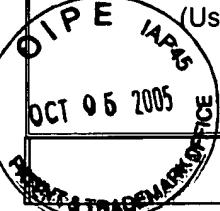


Robert J. Goodell
Reg. No. 41,040

Dated: October 5, 2005

By:

CUSTOMER NO. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
Tel.: (202) 739-3000
Fax: (202) 739-3001

INFORMATION DISCLOSURE CITATION  (Use several sheets if necessary)		Attorney Docket No. 040894-7160	Application No.: 10/520,124
		Applicant: Kazuo HIGUCHI Filing Date: January 3, 2005 Group Art Unit: 3721	
PTO Form 1449 Page 1 of 1 U.S. PATENT DOCUMENTS			

*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date

FOREIGN PATENT DOCUMENTS						
	Document Number	Date	Country	Class	Sub Class	<u>Translation</u> YES NO
	EP 0 861 708 A1	Sep. 2, 1998	Europe			
	EP 0 637 486 A1	Feb. 8, 1995	Europe			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		

Examiner	Date Considered
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.